

# Order

Michigan Supreme Court  
Lansing, Michigan

April 30, 2008

Clifford W. Taylor,  
Chief Justice

134328

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

KENNETH SCIOTTI,  
Plaintiff-Appellee,

v

SC: 134328  
COA: 266160  
Wayne CC: 03-327602-CD

36<sup>th</sup> DISTRICT COURT,  
Defendant-Appellant,

and

CITY OF DETROIT,  
Defendant.

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On order of the Court, the application for leave to appeal the May 22, 2007 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether the plaintiff produced viable statistical evidence of racial discrimination in support of each of his claims; (2) whether the courts below erred in treating the plaintiff's distinct claims of discrimination in hiring/promotion as a single course of conduct; (3) whether and to what extent the plaintiff and each successful applicant was qualified or not qualified for each distinct position, and whether the evidence in each circumstance was sufficient to demonstrate that, more likely than not, the failure to promote the plaintiff included an element of purposeful racial discrimination; (4) whether the defendant provided a race-neutral reason for each decision; and (5) whether there is a sufficient evidentiary basis to conclude that, more likely than not, each decision was a pretext for racial discrimination.

The Michigan Association for Justice and Michigan Defense Trial Counsel, Inc. are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the questions presented in this case may move the Court for permission to file briefs amicus curiae.



d0423

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 30, 2008

*Corbin R. Davis*

Clerk